

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

EUGENE THACH, PRESIDENT 2004 PRESIDING

November 3, 2004

A. CALL TO ORDER

The November 3, 2004, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Eugene Thach, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Bobby Chamberlin-----Board Attorney
David Armstrong-----County Administrator
Sheriff James Albert Riley-----DeSoto County Sheriff's Department

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. PLANNING COMMISSION

The minutes for the portion of the meeting organized by the Planning Commission are presented and made a part of these minutes as Exhibit D.

E. OLD BUSINESS

1. Juvenile Detention Facility

Director of Building and Grounds Kenny Evans and County Court Judge Mills Barbee addressed the Supervisors regarding the Juvenile Detention Facility. Mr. Evans said they are before the Board today to ask to hire an architect at an hourly rate not to exceed \$10,000 to prepare the schematic design for the Juvenile Detention Facility on the east end of the Sheriff's Department.

Supervisor Bill Russell said the committee looked at four options for the building. He said it was determined that the area the Sheriff offered on the north part of the building where the detectives are housed does not provide enough space for the juvenile facility. He said the architect determined that to remodel that building would be a cost estimate of \$498,000. He said the committee went through every option and the committee determined it to be in the best interest of the County to remodel the part of the building that previously housed the juveniles. He said while we are doing that the construction should add a minimum of four beds. He said we need offices and extra area in the space. He said the plans are for the remodeling to be done with future use in mind.

Supervisor Russell explained that nobody knows how long this expansion will last the juveniles, but the committee feels like we will be okay for five to six years. He said if the County gets to a point we need another juvenile facility, then we can remodel this juvenile space to expand the women’s facility, or housing for other components of the jail population. He said the committee talked about a two-story facility and finally settled on building a structure so that a second floor could be added in the future if the County decided that was needed. Supervisor Russell explained that after this committee came up with this plan of action, the architect said it would be appropriate to hire them to prepare a schematic design. Supervisor Russell explained that the money, up to \$10,00, that is paid to the architect will go against the architecture’s cost of the building. Kenny Evans said this includes the sprinkler system.

Supervisor Tommy Lewis made the motion and Supervisor Bill Russell seconded the motion to hire Evans & Taylor to do a schematic plan for a Juvenile Justice Building located at the DeSoto County Sheriff’s Department, at a cost not to exceed \$10,000. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit E.1

2. Board of Education – School Bus Turnaround

Road Manager Russell Dorris presented a form for the property owners to sign on school bus
turnarounds indicating they give their permission for the work. The Board of Supervisors discussed the school bus turnarounds and Board Attorney Bobby Chamberlin reported back to the Board that the School Board does have to approve the request.

After receiving a recommendation from the Road Manager regarding the school bus turnarounds and in accordance with Section19-3-42, Mississippi Code of 1972 as amended, stating that the school bus turnarounds will be maintained and improved, Supervisor Tommy Lewis made the motion to maintain and improve the properties in the Superintendent’s letter dated October 13, 2004, and to direct the County Road Manager to carry out this order of this Board forthwith, subject to getting the minutes from the Board of Education. Supervisor Eugene Thach seconded the motion for the following list:

Linda Hamilton	885 Lee Rd.	Byhalia	838-6127	Bus#154
Juanita Clark	7002-A Angie Dr.	Hernando	429-8643	Bus #181
Debbie Veillon	4646 Chamberlin Rd.	Hernando	429-1916	Bus #286
Allen Dye	6795 Nail Rd.	Horn Lake	901-870-4806	Bus #146
Slater residence	9385 Newell Rd.	Hernando	429-3162	Bus 232,228
	1908 Laughter Rd.	Hernando		Bus # 234
Verna Wallace	6262 Hacks Cross Rd.	Olive Branch	895-5693	Bus#128

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	NO
Supervisor Eugene Thach-----	YES
Supervisor Bill Russell-----	ABSENT
Supervisor Allen Latimer-----	ABSENT
Supervisor Tommy Lewis-----	YES

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to adopt the form for future use where the property owner will sign for their approval of the school bus turnaround work. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene Thach-----	YES
Supervisor Bill Russell-----	ABSENT
Supervisor Allen Latimer-----	ABSENT
Supervisor Tommy Lewis-----	YES

See Exhibit E.2

3. Appointment – License Commission District 2

Vanessa Lynchard presented an updated Appointment Book page showing the corrected terms of the License Commissioners.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to hold over the District 2 Appointment to the License Commission until a later date. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene Thach-----	YES
Supervisor Bill Russell-----	ABSENT
Supervisor Allen Latimer-----	ABSENT
Supervisor Tommy Lewis-----	YES

See Exhibit E.3

4. Property on Starlanding Road

Board Attorney Bobby Chamberlin reminded the Board of Supervisors that this portion of roadway was abandoned on October 18th by the Board of Supervisors. Mr. Chamberlin said that Dudley Bridgforth, representing the Leatherman family who originally donated the property to the County is asking the County to declare this surplus property under Section 19-7-3 of the Mississippi Code and deed it back to the Leatherman family. Mr. Chamberlin said, if the property was not declared surplus and deeded back to the Leatherman family, nothing could be built on the property the way it is situated. Mr. Chamberlin explained that the County has ownership by deed of this property and this is the correct procedure for abandoning the road.

Supervisor Eugene Thach asked why the County is giving the property back. Mr. Chamberlin said if the Board makes the finding that the condition of the property meets the guidelines of the condition set forth in Section 19-7-3, it can be returned to the Leathermans if the Board of Supervisors chooses to do so.

Supervisor Allen Latimer verified that the Leatherman family donated the ROW to the County. Dudley Bridgforth said yes.

Mr. Chamberlin said the Board of Supervisors has received an Attorney General's opinion on a different matter where the AG said we could donate the ROW back to the people because we are not going to use the property.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion that the Board of Supervisors has made a finding of fact that this property located near the intersection of Old Starlanding Road and Hwy 61, more appropriately described as:

Beginning at Station 224+00.3 on the centerline of U.S. Hwy. No. 61 as referenced on MDOT State Project 94-0009-06-019-10; thence southeasterly 80 feet perpendicular to the centerline of said highway to a point on the new right-of-way line of said highway and the POINT OF BEGINNING; thence N 37° 17' E along said right-of-way line, a distance of 16.5 feet to a point on the north right-of-way line of the abandon portion of Star Landing Road; thence S 89° 18' E along the north right-of-way line of the said abandon road, distance of 706.5 feet to a point; thence S 70° 33' W, a distance of 232.6 feet to a point on the south right-of-way line of the said abandon road; thence N 89° 18' W along the south right-of-way line of the said abandon road, a distance of 482.4 feet; thence N 12°23'W, a distance of 68.5 feet to the point of beginning. This deed abandons 80 feet of right-of-way centered along the abandoned section of Star Landing Road, as shown on Sheet 3 of 10 on the Right-of-Way Plat of MDOT State Project 94-0009-06-019-10, whether correctly described or not.

is no longer needed for County or related purposes and will not to be used in the operation of the County, but the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the County, and that the use of the County property for the purpose of which it is to be conveyed will promote and foster the development and improvement of the community in which it is located and the economic welfare thereof. Therefore, the motion authorizes the County to dispose of the property by conveying the property to the Leatherman family. The motion passed by a unanimous vote.

See Exhibit E.4

F. NEW BUSINESS

1. Bids- Authority to Open Bids

a. Sale of One Used Motorcycle – Nov. 29, 2004

b. Annual Supplies – Nov. 23, 2004

c. One or More Motorcycles with Police Package – Nov. 30, 2004

At the recommendation of Purchasing Administrator Jeannine Ruby, Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to authorize the County Administrator or his designee to open bids as follows:

Bid File No:	05-200-001	Sale of One Used Motorcycle	Nov. 29, 2004
Bid File No:	05-156-002	Annual Supplies	Nov, 23, 2004
	05-156-002 a. -	Roadside Herbicides	
	05-156-002 b. -	Hot Mix and Cold Mix Asphalt	
	05-156-002 c. -	Emulsified Asphalt	
	05-156-002 d. -	Corrugated Metal Culverts	
	05-156-002 e. -	Polyethylene Culverts	

- 05-156-002 f. - Material Hauling
- 05-156-002 g. - Crushed Limestone & Rip Rap
- 05-156-002 h. - Sand & Gravel
- 05-156-002 i. - Lubricants
- 05-156-002 j. - Traffic Signs
- 05-156-002 k. - Traffic Striping
- 05-156-002 l. - Steel Culverts
- 05-156-002 m.- Hot Mix Asphalt Paving
- 05-156-002 n. - Propane Gas
- 05-156-002 o. - Gasoline & Diesel Fuel
- 05-156-002 p. - Equipment Rental Bids
- 05-156-002 q. - Fencing Materials
- 05-156-002 r. - Cement Treated Base
- 05-156-002 s. - Ready-Mixed Concrete
- 05-156-002 t. - Concrete Curb & Gutter
- 05-156-002 u. - Guardrail
- 05-156-002 v. - Concrete Culverts
- 05-156-002 w.- Slurry Seal & Micro Seal
- 05-156-002 x - Roadside Vegetation Management
- 05-156-002 y - Construction and Repair of Concrete,
Steel, and Timber Bridges and Aluminum
Box Culverts
- 05-156-002 z - Safety Devices
- 05-156-002 aa. - DBST
- 05-156-002 bb. - Soil Cement Stabilization

Bid File No: 05-202-001 One or More Motorcycles with Police Package Nov. 30, 2004

The motion passed by a vote as follows:

- Supervisor Jessie Medlin-----YES
- Supervisor Eugene Thach-----YES
- Supervisor Bill Russell-----ABSENT
- Supervisor Allen Latimer-----ABSENT
- Supervisor Tommy Lewis-----YES

See Exhibit F.1

2. Tax Collector - Auditor’s Office Update

Chancery Clerk Sluggo Davis said the law was amended and the Tax Collector delivered a copy of the Auditor’s Office Update to the Clerk of the Board. Mr. Davis said, as Clerk of the Board, he is turning over this information to the Board of Supervisors to be made a part of the minutes.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to make the Auditor’s Office Update a part of the minutes. The motion passed by a vote as follows:

- Supervisor Jessie Medlin-----YES
- Supervisor Eugene Thach-----YES
- Supervisor Bill Russell-----ABSENT
- Supervisor Allen Latimer-----ABSENT
- Supervisor Tommy Lewis-----YES

See Exhibit F. 2

3. Tax Exemption – Future Electronics

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to make the fully executed agreement for Future Electronics a part of the minutes. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

See Exhibit F. 3

Supervisor Bill Russell made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until 1:40 p.m. The motion passed by a unanimous vote.

4. Approval to Transfer Property to American Soap

Director of DeSoto Economic Council Jim Flanagan said that American Soap was originally built on Industrial Revenue Bonds. They have been paid off and the company is asking that the Board of Supervisors approve their option to purchase the property. Mr. Flanagan said that American Soap employs 330 manufacturing jobs in DeSoto County.

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to accept the Bill of Sale Special Warranty Deed and Resolution from American Soap and authorize the Board President to sign the agreement contingent on the Board Attorney’s review and approval. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

See Exhibit F.4

5. Sheriff Department – Jail Inspection Report

The Board does hereby find that, pursuant to Section 19-5-1 of the Mississippi Code Annotated, periodic examinations into the state and condition of the DeSoto County Jail, in regards to its safety, sufficiency and accommodation of the prisoners is required. Pursuant to Section 19-5-1, the Board of Supervisors, or a competent person authorized by the Board of Supervisors, shall examine the jail for said compliance. The DeSoto County Board of Supervisors has a policy of attempting to inspect the DeSoto County Jail on a monthly basis and a requirement that the DeSoto County Jail be inspected as often as is mandated by Mississippi statute, State and/or Federal law. By direction of the DeSoto County Board of Supervisors, the following persons were directed, pursuant to Section 19-5-1, to perform the required examination into the state and condition of the jail and to report back to the DeSoto County Board of Supervisors:

Supervisor Eugene Thach
Supervisor Bill Russell

The DeSoto County Board of Supervisors does hereby find that the above named committee has reported back to the DeSoto County Board of Supervisors. That both of them have examined the DeSoto County Jail regarding its state and condition in regard to its safety, sufficiency and accommodation of the prisoners, and do find the jail to be in compliance and requiring no further action at this time.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the observed condition of the jail and to state there was no overcrowding of the Jail, and to acknowledge they do find the Jail to be in compliance and requiring no further action at this time. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----ABSENT
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

7. Accounting- Approval of Travel Expense

The Board of Supervisors determined that no action was necessary on this item of business.

G. EXECUTIVE SESSION

The executive session portion of these minutes are recorded under the portion of the minutes called "Executive Session".

H. OTHER ISSUES

1. Appointment – County Administrator

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to appoint W. E. Sluggo Davis as Interim County Administrator while the Board of Supervisors does a search to replace this position. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to authorize in-house advertising for a replacement for the County Administrator to see if anyone is qualified with all interested applicants to send their resumes to Vickie Richmann by 5:00 p.m. on November 12, 2004, and authorize posting the position in three places. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to recess the meeting until November 15, 2004 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

Supervisor Jessie Medlin immediately made the motion to reconsider recessing the meeting. Supervisor Bill Russell seconded the motion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

2. Road – Delta View Road

Supervisor Bill Russell said that there was a road off Delta View Road with eight houses on it called Michael Drive and the landowners have asked that the County accept the road into County maintenance. Supervisor Medlin said the appropriate action would be for the landowners to present a petition to the Board of Supervisors and have the Board of Supervisors appoint a committee to inspect the roadway.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until November 15, 2004 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----ABSENT
Supervisor Tommy Lewis-----YES

THIS the 3rd day of November 2004, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Eugene Thach, President
DeSoto County Board of Supervisors